

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALLA BUTLER,

Plaintiff,

-against-

THE ALL AMERICAN BAR ON FIRST
AVENUE, INC., et al.,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/27/2021

21-CV-164 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Defendants' initial deadline to answer or otherwise respond to Plaintiff's complaint was February 8, 2021. (Docs. 5–8.) Defendants did not comply with this deadline, request an extension, or otherwise appear, leading me to direct Plaintiff to move for default judgment. (Doc. 9.) Plaintiff did so, and I signed an order to show cause as to why a default judgment should not issue against Defendants in this case. (Doc. 31.) On April 7, 2021—about two months after their answers were due—Defendants noticed an appearance and asked that I adjourn the pending motion for default judgment. (Doc. 33.) I granted that request and ordered the parties to submit a status update on or before May 10, 2021. (Doc. 34.) In that status update—which was submitted a day late—the parties indicated that settlement discussions were unsuccessful and asked that Defendants have another two weeks to respond to the complaint. (Doc. 36.) I granted the parties' request and set May 25, 2021—more than three months after Defendants' initial deadline—as Defendants' deadline to answer or otherwise respond to the complaint. (Doc. 37.) In this order, I stated that I was “highly unlikely” to grant any subsequent extensions related to the filing. (*Id.*) Once again, Defendants have missed their deadline to

respond to Plaintiff's complaint and have failed to request an extension.

Accordingly, it is hereby:

ORDERED that if Plaintiff intends to seek a default judgment she is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than June 25, 2021. If Plaintiff fails to do so or otherwise demonstrate that she intends to prosecute this litigation, I will dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that if Defendants submit an answer(s) in the meantime, they are directed to submit a separate filing as to why they have now missed a second deadline to respond to Plaintiff's complaint and why I should accept any untimely filings in light of the procedural history in this case.

SO ORDERED.

Dated: May 27, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick
United States District Judge